

## U.S. Department of Justice



United States Attorney  
Southern District of New York

86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007

September 7, 2007

**VIA FACSIMILE**

Hon. Paul A. Crotty  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 735  
New York, New York 10007

Re: Viruet v. United States of America  
07 Civ. 3710 (PAC)

Dear Judge Crotty:

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: SEP 10 2007

**MEMO ENDORSED**

This Office represents the defendant, the United States of America (the "Government"), in the above-referenced tax refund action, in which Plaintiff seeks her 2004 tax refund of \$5,858 from the Government. As per the Government's letter dated August 8, 2007, the Government requested an extension of 30 days, or until September 7, 2007, to answer or otherwise respond so as to enable the parties to resolve this matter without the need for further litigation.

After investigating the matter, the Government confirmed that it did indeed issue the tax refund in 2005, but Plaintiff mistakenly requested that the refund be electronically deposited to an account at HSBC, rather than her account at Citibank.

HSBC has now represented to the Government, as well as to Plaintiff, that it will be paying the tax refund to Plaintiff in the next week. Accordingly, the Government believes that the dispute is resolved and that Plaintiff has no valid claim against the Government. In light of the situation, Plaintiff has indicated her willingness to withdraw her action without prejudice pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, provided that she first receives the payment from HSBC.

*[Handwritten mark]* The Government, therefore, respectfully requests a third extension to answer or otherwise respond to allow the parties to finalize the resolution of this matter. Accordingly, the Government requests, with Plaintiff's consent, that its time to answer be extended until October 31, 2007, by which time we anticipate the matter will be resolved.

**MEMO ENDORSED**

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney  
for the Southern District of New York

By:

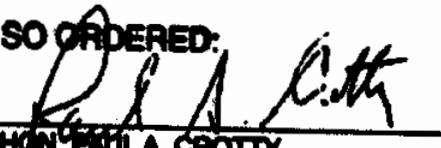
  
CAROLINA A. FORNOS  
Assistant United States Attorney  
Telephone: (212) 637-2740  
Facsimile: (212) 637-2702

cc: Elizabeth A. Maresca, Esq. (via Facsimile and First Class Mail)  
Lincoln Square Legal Services, Inc.  
33 West 60<sup>th</sup> Street - Floor 9  
New York, New York 10023

\* Application GRANTED

SEP 10 2007

SO ORDERED:

  
HON. PAULA A. CROTTY  
UNITED STATES DISTRICT JUDGE